

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters  
2300 N. Dr. ML King Drive, PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
FAX 414-263-8483  
TTY 414-263-8713

February 8, 2002

JAM Company of Cudahy, LLC  
6585 Nicholas Blvd. #1005  
Naples, FL 34108

Subject: Final Closure for JAM Property at 5260 International Dr., Milwaukee, WI

FID: 241096130  
BRRTS: 02-41-241022.

Dear Sir:

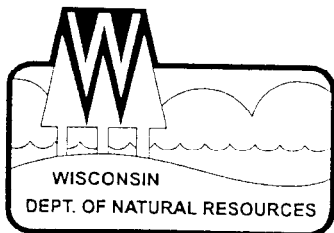
I have received the filed groundwater use restriction for the above-named site from Reinhart, Boerner, Van Deuren, S.C. on this date. Based on the investigation and remedial documentation provided to the Department, it appears that the above-named site is in compliance with the requirements of Chs. NR 700 to 726, Wis. Admin. Code, as applicable. Therefore, the Department considers the case closed and tracked as such, having determined that no further action is necessary at the site at this time. However, the case may be reopened pursuant to S. NR 726.09, Wis. Admin. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment.

The Department appreciates the actions you have taken to investigate and remediate the contamination at this site. If you have any questions or comments, please feel free to contact me at the above address or at (414) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence. Future correspondence should be sent directly to the Remediation and Redevelopment Program Assistant Vicky S. [redacted] at the above address.

Sincerely,

John J. Hnat  
Hydrogeologist  
Remediation and Redevelopment

C: Deborah Tomczyk, Reinhart, Boerner  
Suzanne Murawski, STS Consultants  
WDNR SER Files



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2300 N. Dr. ML King Drive, PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
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FAX 414-263-8483  
TDD 414-263-8713

July 20, 2000

JAM Company of Cudahy, LLC  
6585 Nicholas Blvd. #1005  
Naples, FL 34108

Subject: Update Conditional Closure for JAM Property at 5260 International Dr.,  
Milwaukee, WI FID: 241096130, BRRTS: 02-41-241022

Dear Sir:

This letter pertains to my letter dated June 30, 2000 on how the WDNR will close the above-named site. Our legal department agrees that a groundwater use restriction can be used to finalize site closure. Therefore, the following items will need to be completed:

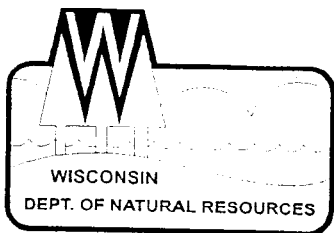
1. Because an ES exceedances in groundwater monitoring well MW10, the Department requires a groundwater use restriction for the property at the county register of deeds office which will satisfy the requirements in ch. NR 726.05(2)(b) and ch. NR 726.05 (8)(am) Wis. Admin. Code. A draft copy of the groundwater use restriction must be sent to this office for review, before forwarding to WDNR legal staff in Madison for final approval. A copy of the final certified groundwater use restriction forwarded to this office at the time of recording at the County Register of Deeds Office.
2. Monitoring well abandonment as required in ch. NR 726.05(8)(c) Wis. Admin. Code, is received at this office within 60 days.

If you have any questions or comments, please feel free to contact me at the above address or at (414) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence. Future correspondence should be sent directly to me at the above address.

Sincerely,

John J. Hnat  
Hydrogeologist  
Remediation and Redevelopment

C: Suzanne Murawski, STS Consultants  
WDNR SER Files



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2300 N. Dr. ML King Drive, PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
FAX 414-263-8483  
TDD 414-263-8713

June 30, 2000

JAM Company of Cudahy, LLC  
6585 Nicholas Blvd. #1005  
Naples, FL 34108

Subject: Conditional Closure for JAM Property at 5260 International Dr., Milwaukee, WI FID:  
241096130, BRRTS: 02-41-241022.

Dear Sir:

I presented this case to the Department's case closure committee again on June 27, 2000 after receiving additional soil sampling data and a re-request for closure from STS Consultants for the above-named site. After reviewing all the information and documentation for the site, the committee has decided to grant a "conditional closure" for the site with no further action required at this time. Final closure for the site is pending because the Department has requested assistance from our legal staff on how to close this site relevant to the Wisconsin Administrative Code. This is based on:

1. Soil contamination for 1,2-dichloroethane (1,2-DCA) has been investigated and does not exist onsite.
2. Groundwater monitoring well MW-10 did contain an enforcement exceedance (ES) for 1,2-DCA. Also, water grab samples in Geoprobe GP-1 and GP-3 indicated ES exceedances. Geoprobe water grab samples GP-2, GP-4, GP-5, GP-6, GP-7, GP-8, GP-9, GP-10, GP-11, and GP-12 indicated no PAL or ES exceedances for 1,2-DCA. The 1,2-DCA plume has been defined and is contained onsite.
3. There isn't a source for the 1,2-DCA groundwater contamination onsite.
4. Upgradient (northwest) and offsite groundwater sampling analysis indicates no 1,2-DCA groundwater contamination.

Because of these four items, it's difficult to define how to close the site under current administration codes under NR 708.09, no further response action, or case closure under NR 726. I have contacted Ms. Judy Ohm of our legal staff in Madison (608/266-9972) for a determination. I will notify you when they have made a decision and hope this doesn't inconvenience you in any decisions being made on this property.

Sincerely,

John J. Hnat  
Hydrogeologist  
Remediation and Redevelopment

C: Suzanne Murawski, STS Consultants  
WDNR SER Files

80 10456

REGISTRY'S OFFICE 1 SS  
Milwaukee County, WI

RECORDED AT 11:34 AM  
13-2000

WALTER BARCZAK  
REGISTRY OF DEEDS

AMOUNT \$ 00

FEB 8 2002  
*[Signature]*

Document Number

GROUNDWATER USE RESTRICTION

DECLARATION OF RESTRICTIONS

In Re: Parcel 2 Certified Survey Map No. 6620, recorded on January 29, 1999 as Document No. 7678120, being a part of the Southeast 1/4 of Section 27, Town 6 North, Range 22 East, in the City of Cudahy, County of Milwaukee, State of Wisconsin; also known as 5260 International Drive, Cudahy, Wisconsin (the "Property").

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MILWAUKEE )

WHEREAS, JAM COMPANY OF CUDAHY, LLC, a Wisconsin limited liability company, is the owner of the above-described Property.

WHEREAS, one or more 1,2-dichloroethane discharges have occurred on the Property. 1,2-dichloroethane contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards existed on the Property at the following location on December 16, 1999: Monitoring well 10 (MW-10) at the concentration of 110 parts per billion. The location of MW-10 is depicted on the attached Figure 2 which is hereby made a part of these restrictions.

WHEREAS, it is the desire and intention of the owner to impose on the Property restrictions which will make it unnecessary to conduct additional groundwater testing or remediation activities on the Property at the present time.

WHEREAS, natural attenuation has been approved by the Wisconsin Department of Natural Resources ("WDNR") to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of the Property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW, THEREFORE, the owner hereby declares that all of the Property is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

Anyone who proposes to construct or reconstruct a well on this Property is required to contact the WDNR Bureau of Drinking Water and Groundwater, or its successor agency, to

Recording Area	
Name and return address:	
Deborah C. Torzyk, Esq.	
Reinhart, Boernigk et. al.	
1000 N. Water Street, Suite 2100	
Milwaukee, WI 53202-3400	
Parcel Identification Number:	
Part of 637-990003	

000419734

FIN: 241096130  
Br-to: 02-41-241022

4

*[Signature]*

determine what specific requirements are applicable, prior to constructing or reconstructing a well on this Property.

If construction is proposed on the Property that will require dewatering, or if groundwater is to be otherwise extracted from the Property, while these groundwater use restrictions are in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the Property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

These restrictions are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring the Property whether by descent, devise, purchase or otherwise. The restrictions benefit and are enforceable by the WDNR, its successors and assigns. The WDNR, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes the owner of the Property may request that the WDNR or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the WDNR shall determine whether or not the restrictions contained herein can be extinguished. If the WDNR determines that the restrictions can be extinguished, an affidavit, with a copy of the WDNR's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

By signing this document, John F. Bonness asserts that he is duly authorized to sign this document on behalf of JAM Company of Cudahy, LLC, a Wisconsin limited liability company.

IN WITNESS WHEREOF, the owner of the Property has executed this Declaration of Restrictions this 2th day of November, 2000.

JAM COMPANY OF CUDAHY, LLC

BY John F. Bonness  
John F. Bonness, Sole Member

000419735

STATE OF FLORIDA )  
COUNTY OF Collier ) : ss.

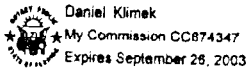
The foregoing instrument was acknowledged before me this 7 day of Nov 2000, by John F. Bonness as the Sole Member of JAM Company of Cudahy, LLC. Such person did not take an oath and: *(notary must check applicable box)*

☐ is/are personally known to me.

☒ produced a current driver's license as identification.

☐ produced \_\_\_\_\_ as identification.

(Notary Seal must be affixed)



Daniel Klimck  
Signature of Notary

Daniel Klimck  
Name of Notary (Typed, Printed or Stamped)

Commission No. (if not legible on seal): \_\_\_\_\_

My Commission Expires (if not legible on seal): \_\_\_\_\_

#### AUTHENTICATION

Signature(s):

John F. Bonness as the Sole Member  
of JAM Company of Cudahy, LLC,

authenticated this \_\_\_\_\_ day of November, 2000

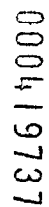
\*

TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, authorized by § 706.06, Wis. Stats.)

This document was drafted by:

Deborah C. Tomczyk  
Reinhart, Boerner, Van Deuren,  
Norris & Rieselbach, s.c.  
100 North Water Street, Suite 2100  
Milwaukee, WI 53202

000419736



POOR COPY PRESENTED FOR RECORDING

09/26/00 11:58 FAX 808 274 0421

LTIC MADISON

005/008

7 585069

RE 4497 INAG 1494

**DEEN VAN RUMBA**

## WARRANTY DEED

This Deed, made between BANK ONE WISCONSIN TRUST COMPANY, N.A., SOLELY AS CUSTODIAN FOR JOHN F. BONNEGG INDIVIDUAL RETIREMENT ACCOUNT, Grantor, and JAM COMPANY OF CUD DHY, LLC, Grantee.

Witnesseth, That the said Grantor, for a valuable consideration, Grant or conveys to Grantee the following described real estate in Milwaukee County, State of Wisconsin:

Parcel 2 of Certified Survey Map No. 6620, being a part of the Southeast 1/4 of Section 27, Township 6 North, Range 22 East, in the City of Cudahy, Milwaukee County, Wisconsin, recorded in the Office of the Register of Deeds for Milwaukee County on January 29, 1999 as Document No. 675120.

REGISTER'S OFFICE }  
Allwaukee County, WI }  
RECORDED AT \_\_\_\_\_ -2 10 PM

FEB 11 1998  
FEB 4 1997 IMAGE 1494-1495  
J. A. G. REGISTER  
OF DEEDS

Room	ing Area
Name	and Return Address
Brad	Miller, Esq.
Gov	L. Kuehnau, S.C.
111	KIDBOURN AVE., SU. 1400
NEW	KNOX, WY 83202

Pa of 637-9995-003  
Pg Identification Number

FEE  
# 77.25 (13)  
EXEMPT

RECORD 7485069  
12.00

This is not homestead property.

Together with all and singular hereditaments and appurtenances thereto  
And Grantor warrants that the title is good, indefeasible in fee simple and  
except those Permitted Exceptions provided on Exhibit A attached hereto and will v  
steading;  
e and clear of encumbrances  
grant and defend the same.

Do 34 this 3<sup>rd</sup> day of February, 1999,

BANK ONE WISCONSIN TRUST COMPANY, N.A., solely as  
custodian for John F. Bon is Individual Retirement Account

\*By: Erich Schweskar

de President

## AUTHENTICATION

Signature(s) \_\_\_\_\_

subscribed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

51c. *litura*

191

TITLE: MEMBER STATE BAR OF WISCONSIN  
(If 2dL)

THIS INSTRUMENT WAS DRAFTED BY  
Stacy Alvarez Delzer  
Davis & Kuelthau, S.C.

(Signature may be authorized or acknowledged. Both are not necessary.)

## ACKNOWLEDGMENT

STATE OF WISCONSIN  
MILWAUKEE COUNTY  
Personally came before  
the above named Clerk  
person(s) who expressly  
acknowledged the same

on this 3<sup>d</sup> day of February, 1922  
known to me known to be the  
the foregoing instrument and

**PUBLIC**

County, Wisconsin  
 (If not, state expiration date.)

in any capacity should be typed on  
82.

102



09/26/00 11:58 FAX 608 274 0421

LTIC MADISON

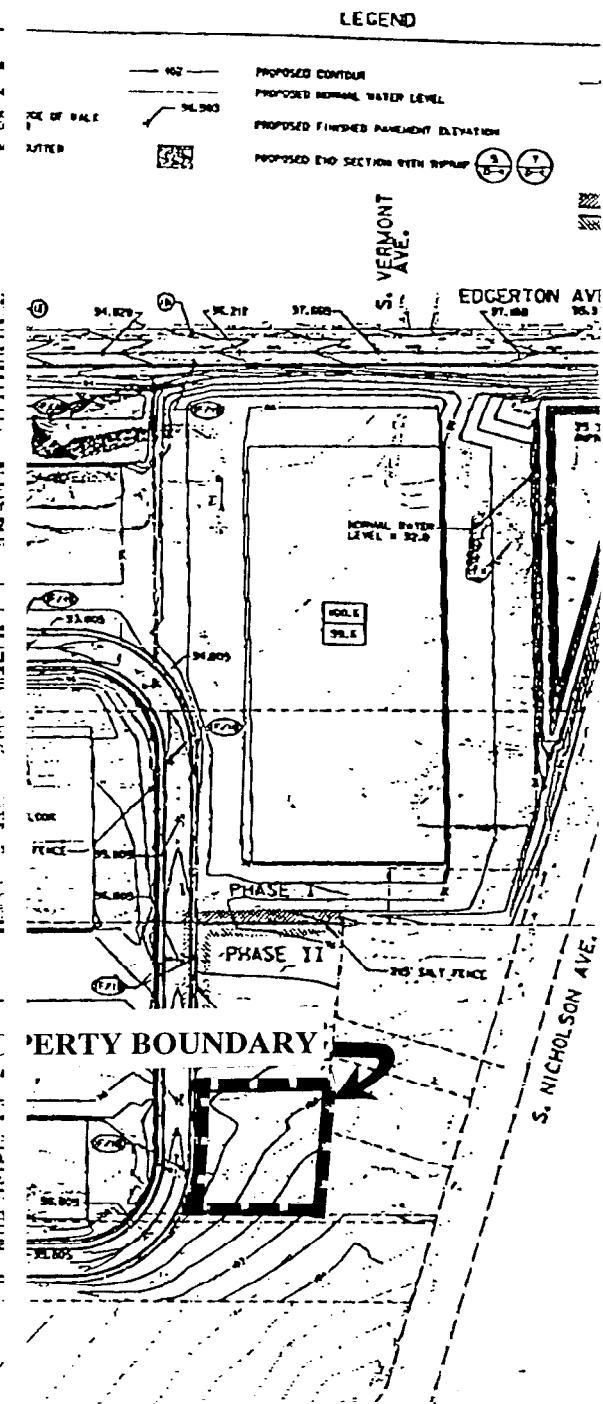
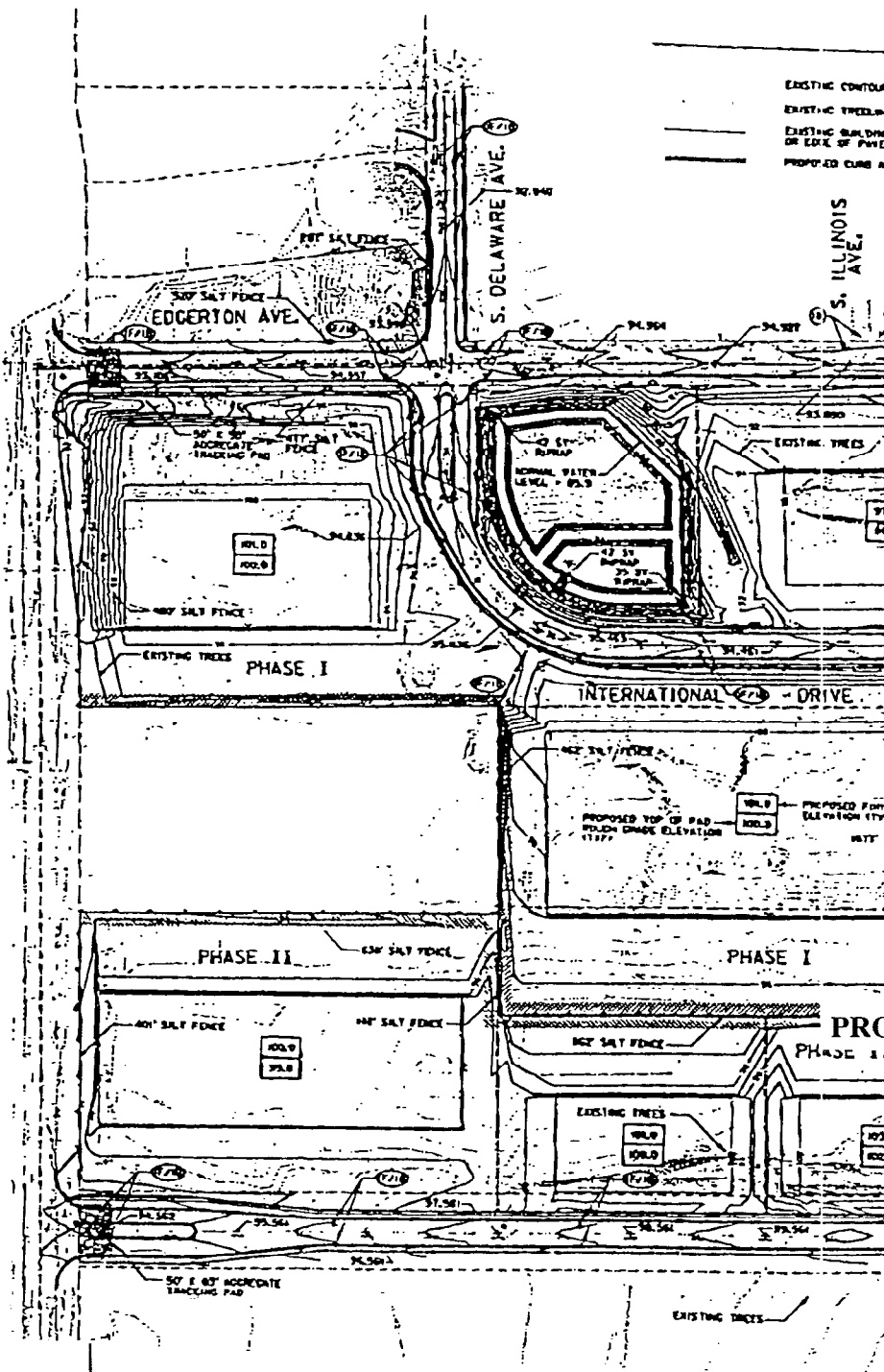
006/006

REEL 4497 IMAG 1495

**EXHIBIT A**

1. Taxes for the year 1999 and subsequent years, not now due or payable.
2. Easement granted to Wisconsin Electric Power Company and Wisconsin Telephone Company by instrument recorded on December 9, 1968 in Reel/Volume 510, Image/Page 516, as Document No. 4501864.
3. Private Ingress/Egress Easement benefiting Parcel 2 of Certified Survey Map No. 6620 as shown on Certified Survey Map No. 6620.
4. Title to the North 12.30' of the West 637.95' as disclosed by Overlap shown on Plat of Survey No. 99-1014-01 dated January 21, 1999 prepared by Land Information Services, Inc.
5. Special Assessment for paving on Pennsylvania Avenue in the amount of \$10,400.77 levied by the City of Cudahy.

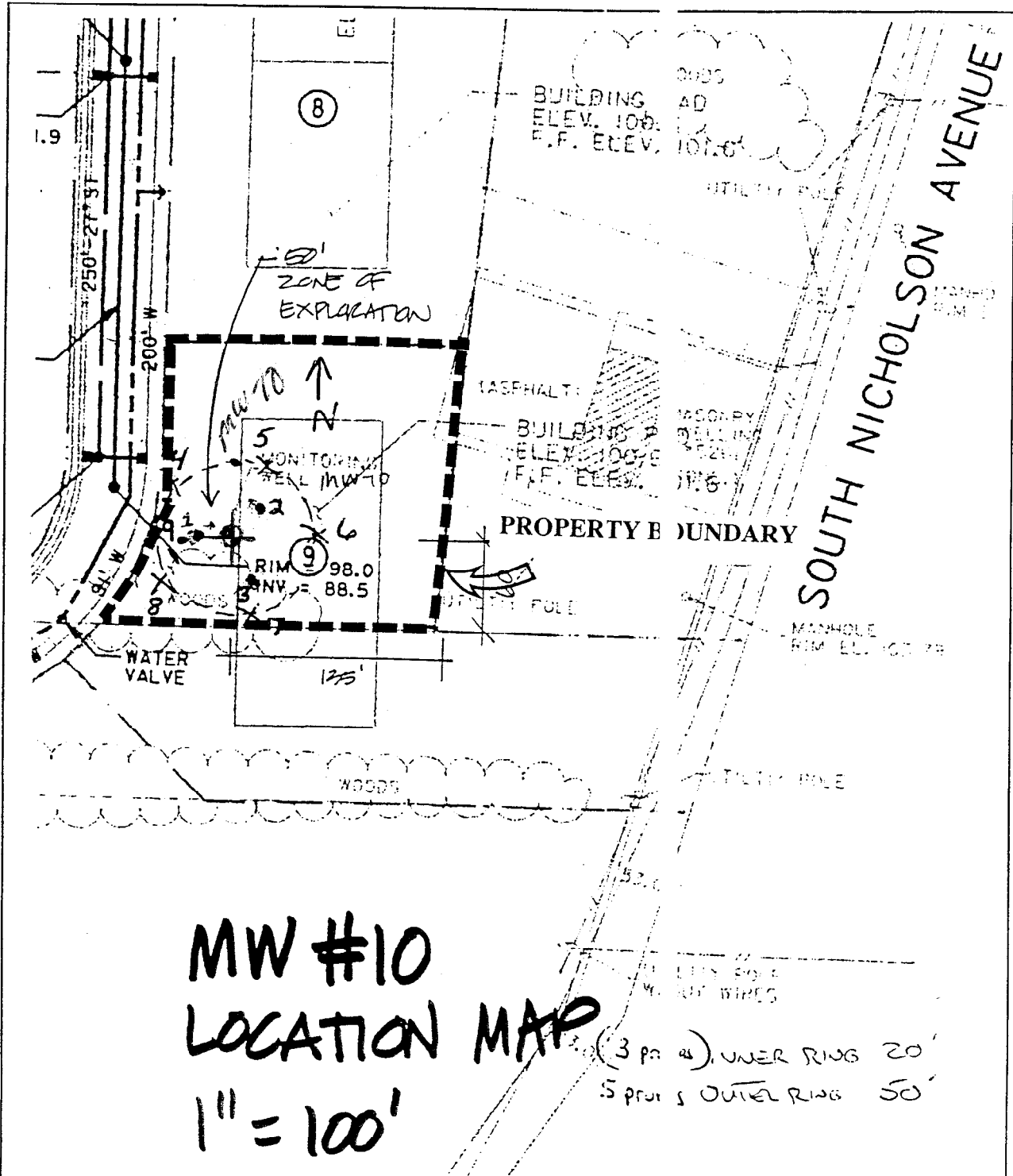
S. PENNSYLVANIA AVE.



STS Consultants Ltd  
Consulting Engineers

SITE LOCATION DIAGRAM  
5260 INTERNATIONAL DRIVE  
GEN. MITCHELL INT. BUSINESS PARK  
MILWAUKEE, WISCONSIN

DRAWN BY: smm	DATE: 12/16/99
CHECKED BY: smm	DATE: 12/16/99
APPROVED BY: twk	DATE: 12/16/99
FILE NO. 85877XBfig1.doc	SCALE. NONE
STS PROJECT NO. 5-85877XB	FIGURE NO. 1



STS Consultants Ltd  
Consulting Engineers

SOIL PROBE LOCATION DIAGRAM  
5260 INTERNATIONAL DRIVE  
GEN. MITCHELL INT. BUSINESS PARK  
MILWAUKEE, WISCONSIN

DRAWN BY: smm	DATE: 12/16/99
CHECKED BY: smm	DATE: 12/16/99
APPROVED BY: twk	DATE: 12/16/99
FILE NO. 85877Xbfig2.doc	SCALE: 1" = 100'
TS PROJECT NO. 5-85877XB	FIGURE NO. 2



STS Consultants Ltd.  
CALCULATION SHEET

PROJECT

GENERAL MITCHELL BUSINESS PARK

SUBJECT

1,2-DCA CONCENTRATION

ORIGINATED BY

TWK

DATE

5/2/00

CHECKED BY

SMM

STS JOB NO.

SHEET NO.

Figure OF 2

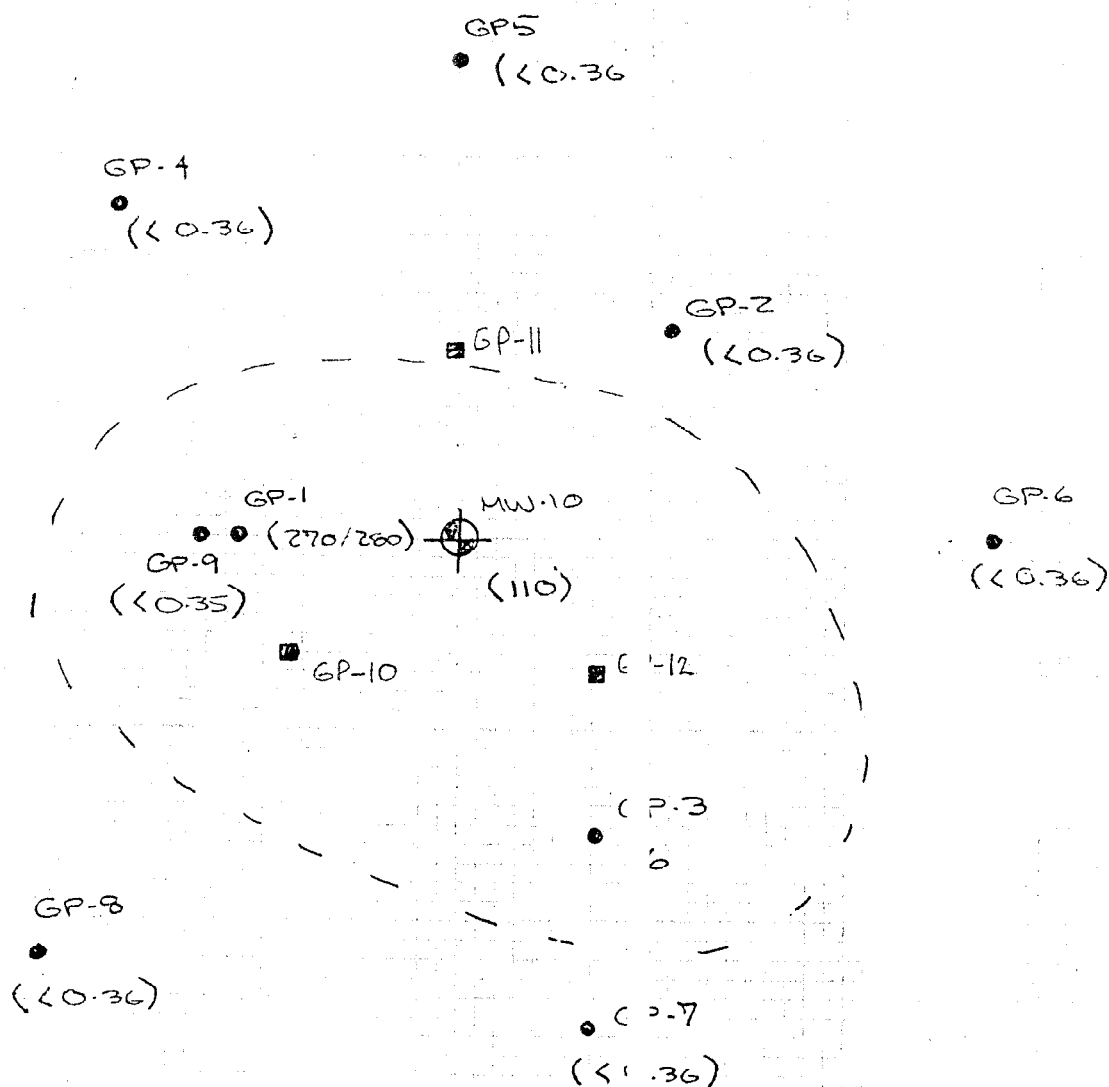
DATE

6/22/00

CALC. NO.

REV. NO.

↑  
N



### Legend

- Temporary Well (groundwater 1,2-DCA concentration)
  - Soil Probe
  - ⊕ NR141 Monitoring Well (groundwater 1,2-DCA concentration)
- 1" = 20 FEET (approx)

**Table 1**  
**1,2-Dichloroethane Concentration in µg/kg**  
**5260 International Drive**  
**General Mitchell International Business Park**  
**STS Project No. 85877XD**

Sample Date	6/12/00	6/12/00	6/12/00	6/12/00	6/12/00	6/12/00	5/15/98	Comm 46 & NR 746, WAC Human Health, Direct Contact RCL
Sample ID	GP-10/S-3	GP-10/S-6	G-11/S-3	GP-11/S-6	GP-12/S-3	GP-12/S-6	MW-10	
Sample Depth	4-6 feet	10-12 feet	4-6 feet	10-12 feet	4-6 feet	10-12 feet	---	--
Field PID	<1	<1	<1	<1	<1	<1	---	--
Analytical Method	EPA 8021A	EPA 8021A	EPA 8021A	EPA 8021A	EPA 8021A	EPA 8021A	EPA 8021	--
1,2-Dichloroethane (ug/kg)	<25	<25	<25	<25	<25	<25	<29	540

Samples taken on June 12, 2000 were analyzed by U.S. Analytical Lab, Lab Cert. No. 445027660  
Sample taken on May 15, 1998 was collected by Maxim. The sample depth was not recorded.

Table 1  
1,2-Dichloroethane Concentration in µg/l  
5260 International Drive  
General Mitchell International Business Park  
STS Project No. 85877XB

Sample Date	5/16/98	8/4/98	9/4/98	9/24/98	10/21/98	10/30/98	11/19/98	9/16/99	10/11/99
Analysis Date	5/20/98	8/7/98	9/9/98	10/2/98	10/23/98	11/2/98	11/23/98	9/26/99	10/21/99
Method	EPA 8021	EPA 8021	EPA 8021	EPA 8021	Not provided	EPA 8260	EPA 8021	EPA 8260B	EPA 8260B
MW-10	17	17	22	83	76	110	--	--	--
GP-1	--	--	--	--	--	--	270/280*	--	--
GP-2	--	--	--	--	--	--	<0.36	--	--
GP-3	--	--	--	--	--	--	.35	16	--
GP-4	--	--	--	--	--	--	<0.36	--	--
GP-5	--	--	--	--	--	--	<0.36	--	--
GP-6	--	--	--	--	--	--	<0.36	--	--
GP-7	--	--	--	--	--	--	<0.36	--	--
GP-8	--	--	--	--	--	--	<0.36	--	--
GP-9	--	--	--	--	--	--	--	--	<0.35

-- - Not analyzed, well did not exist

NR140 ES - 5.0 µg/l, exceedances noted by black shading

NR140 PAL - 0.5 µg/l

Samples from May 16, August 4, September 4, September 24 and October 21, 1998 were analyzed by Northern Lakes Services, Inc.  
Lab ID No. 721026460

Samples from October 30 and November 19, 1998 were analyzed by U.S. Oil, Inc. Lab ID No. 445027660

Samples from September 16 and October 11, 1998 were analyzed by Robert E. Lee & Associates. Lab ID No. 405043870